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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,513	03/30/2001	Jim B. Estipona	42390P8786X	7088

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EXAMINER
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NALEVANKO, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/823,513

**Applicant(s)**

ESTIPONA, JIM B.

**Examiner**

Christopher R Nalevanko

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Priority*

1. The specification of the CIP application 09/633,454 does not contain disclosure of sending the enhancement signals in the vertical blanking interval, as disclosed in the limitations of Claims 1, 6, and 11 of the instance Application. Therefore, the priority of the CIP 09/633,454 to 08/07/200 is not granted.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Zigmond et al (6,571,392).

Regarding Claim 1, Zigmond shows a method comprising checking the vertical blanking interval of a video signal (col. 5 lines 60-67, decoding software for checking VBI, col. 2 lines 5-35, sending data in VBI, col. 7 lines 10-17, transmitting resource in VBI) for an announcement signal (col. 7 lines 10-20, receiving information resource 301, lines 55-67, announcement or resource 301, col. 9 lines 17-32, receiving web page or resource over a first sub-channel), when the announcement signal is found, operating in a first mode (col. 7 lines 19-45, displaying information resource if correctly received), when the announcement signal is not found, checking a predetermined trigger channel for

Art Unit: 2611

the presence of a trigger signal (col. 6 lines 60-67, col. 7 lines 25-35, col. 9 lines 20-34, if resource or announcement is not found, uses URI trigger found in sub-channel of VBI, col. 8 lines 24-40, URI is a trigger), and when the trigger is found, operating in a second mode (col. 7 lines 30-45, after trigger retrieves resource information, displays along with TV video).

Regarding Claim 2, Zigmond shows operating in a first mode in which enhanced content is obtained from an address identified by the announcement signal (col. 7 lines 18-30, using associated URI to retrieve resource data).

Regarding Claim 3, Zigmond shows that the predetermined trigger channel is in the vertical blanking interval of the video signal (col. 9 lines 20-25, resource identifier URI on second sub-channel, VBI line 21).

Regarding Claim 4, Although not specifically stated, it is nonetheless inherent that if no enhancement data is received that the television will only display broadcast video.

Regarding Claim 5, Zigmond shows checking for IP packets in the VBI, and when the IP packets comprise address values, analyzing the IP packets to identify the announcement, or resource, signal (col. 5 lines 60-67, decoding IP packets of resource data from VBI).

Regarding Claim 6, Zigmond shows a machine readable medium storing instructions that are executed by a processor (col. 11 lines 1-35, processor and instructions, RAM). All further limitations have been discussed with regards to Claim 1.

Regarding Claim 7, all of the limitations have been addressed with regards to Claim 2.

Regarding Claim 8, all of the limitations have been addressed with regards to Claim 3.

Regarding Claim 9, Although not specifically stated, it is nonetheless inherent that if no enhancement data is received that the television will only display broadcast video.

Regarding Claim 10, all of the limitations have been addressed with regards to Claim 5.

Regarding Claim 11, Zigmond shows a processor (col. 11 lines 5-10, digital processor), a memory coupled to the processor and storing instructions (col. 11 lines 25-35, RAM and ROM). All further limitations have been discussed with regards to Claim 1.

Regarding Claim 12, all of the limitations have been addressed with regards to Claim 2.

Regarding Claim 13, all of the limitations have been addressed with regards to Claim 3.

Regarding Claim 14, Although not specifically stated, it is nonetheless inherent that if no enhancement data is received that the television will only display broadcast video.

Regarding Claim 15, all of the limitations have been addressed with regards to Claim 5.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Carr U.S. Patent Application Publication No. 2003/0133043 discloses communicating ancillary information associated with a plurality of audio/video programs.

Carr U.S. Patent No. 6,557,172 discloses communicating enhancement data in layers.

Blacketter et al U.S. Patent No. 6,560,777 discloses a broadcast enhancement trigger addressed to multiple uniquely addressed information resources.

Birdwell et al U.S. Patent No. 6,108,706 discloses a transmission announcement system and method for announcing upcoming data transmissions over a broadcast network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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cn



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PRIMARY EXAMINER